

Amendments to the Drawings:

Replacement sheets for FIGS. 1-15 are enclosed which formalize the drawings that were submitted with the application. No other changes have been made. Formal drawings are submitted herewith under separate Letter to the Official Draftsperson. Approval by the Examiner is respectfully requested.

Replacement Figures 1-15

REMARKS

Formal drawings are submitted herewith under separate Letter to the Official Draftsperson. Approval by the Examiner of these drawings is respectfully requested.

Claims 11, 12 and 13 were rejected as being directed to non-statutory subject matter. Applicants have followed the Examiner's kind suggestion and have amended these claims so that they now are statutory.

Claims 1, 9 and 10 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 7,035,460. Applicants submit herewith a Terminal Disclaimer disclaiming any portion of a patent issuing on the present invention which would extend beyond the terms of U.S. Patent No. 7,035,460. The Terminal Disclaimer is believed to overcome this rejection.

Claims 1-13 are rejected under 35 USC 103(a) as being unpatentable over Gallagher et al. (US 7,035,460) in view of Deguchi et al.

As noted above, a terminal disclaimer has been filed relative to the '460 patent. Moreover, under 35 USC 103(c) the '460 patent can not be used to reject claims under 35 USC 103. The '460 patent is also not a reference under 35 USC 102. Both the present application and the '460 are commonly assigned and were co-pending.

It is true, as the Examiner points out, that Deguchi et al. disclose storing an image captured on a digital camera and observed on a CRT monitor in a reference color space. The image is stored in two color spaces (one of which is an extended-gamut color space) in two different storage locations. Deguchi et al. does not disclose element b) of Claim 1 which includes the use of an inverse color adjustment function that is usable to form a reconstructed extended color gamut digital image from a limited color gamut digital image. Element c) of claim 1, uses the inverse color adjustment function to form the reconstructed extended color gamut digital image. Applicants can find nothing in Deguchi et al. that discloses an inverse color adjustment function or provides any motivation for using such a function. A problem the present invention solves is that there are often times where extended color gamut digital image data is not available and must be reconstructed from a limited color gamut digital image. In Deguchi et al., there is no need to form a reconstructed extended color gamut digital image since the original extended color gamut digital image is still available. Independent claims 9 and 10 have similar features to those discussed with respect to claim 1 and should also be allowable.

It is believed that these changes now make the claims clear and definite and, if there are any problems with these changes, Applicants' attorney would appreciate a telephone call.

In view of the foregoing, it is believed Deguchi et al. does not provide any motivation or suggestion for the present invention as set forth in independent claims 1, 9 and 10. These claims are believed to have unobvious subject matter and should be allowed. The remaining claims all incorporate the features of one of the independent claims and should also be allowable. Accordingly, this application is believed to be in condition for allowance, the notice of which is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Raymond L. Owens', written over a horizontal line.

Raymond L. Owens
Attorney for Applicants
Registration No. 22,363

RLO:DW
Telephone 585-477-4653
Facsimile 585-477-4646
Enclosure

If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.